

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE SMERLING LITIGATION,

21 Civ. 2552 (JPC)

**NOTICE OF UNOPPOSED FOURTH INTERIM APPLICATION FOR
ALLOWANCE AND PAYMENT OF COMPENSATION AND REIMBURSEMENT OF
EXPENSES FOR THE RECEIVER AND THE PROFESSIONALS RETAINED BY THE
RECEIVER, FOR THE PERIOD OF NOVEMBER 1, 2022 THROUGH MAY 31, 2023**

PLEASE TAKE NOTICE that, upon the accompanying *Declaration of Paul Steven Singerman in Support of Unopposed Fourth Interim Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Receiver and the Professionals Retained by the Receiver, for the Period of November 1, 2022 Through May 31, 2023* (the “Declaration”), James S. Feltman (the “Receiver”), as the Court-appointed Receiver and not in his individual capacity, by and through his undersigned counsel, will move this Court, at a date, time and location to be determined by this Court, for an order:

(a) awarding: (i) Kroll Associates, Inc. (“Kroll”), on an interim basis, the sum of \$99,075.00 as compensation for services rendered and \$2,284.80 as reimbursement for actual and necessary expenses incurred by Kroll (“Kroll’s Fourth Interim Award”) during the period inclusive of November 1, 2022 through May 31, 2023 (the “Application Period”); (ii) Berger Singerman LLP (“Berger Singerman”), on an interim basis, the sum of \$199,589.00 as compensation for services rendered and \$6,772.41 as reimbursement for actual and necessary expenses incurred by Berger Singerman during the Application Period (“Berger Singerman’s Fourth Interim Award”); (iii) Faegre Drinker Biddle & Reath LLP (“Faegre Drinker”), on an interim basis, the sum of \$143,541.50 as compensation for services rendered and \$0.00 as reimbursement for actual and necessary expenses incurred

by Faegre Drinker during the Application Period (“Faegre Drinker’s Fourth Interim Award”); and (iv) the Receiver, on an interim basis, the sum of \$40,515.00 as compensation for services rendered and \$0.00 as reimbursement for actual and necessary expenses incurred by the Receiver during the Application Period (“Receiver’s Fourth Interim Award” and together with Kroll’s Fourth Interim Award, Berger Singerman’s Fourth Interim Award and Faegre Drinker’s Fourth Interim Award, collectively, the “Fourth Interim Awards”);

(b) awarding: (i) Pestalozzi Attorneys at Law Ltd. (“Pestalozzi”), on an interim basis, the sum of \$42,281.70 as compensation for services rendered and \$1,693.00 as reimbursement for actual and necessary expenses incurred by Pestalozzi during the Application Period (“Pestalozzi’s Third Interim Award”); (ii) LeeSalmonLong (“LeeSalmonLong”), on an interim basis, the sum of \$7,640.00 as compensation for services rendered and \$0.00 as reimbursement for actual and necessary expenses incurred by LeeSalmonLong during the Application Period (“LeeSalmonLong’s Third Interim Award”); (iii) Matysik & Marshall P.C. (“M&M”), on an interim basis, the sum of \$2,170.00 as compensation for services rendered and \$40.00 as reimbursement for actual and necessary expenses incurred by L&M during the Application Period (“L&M’s Third Interim Award”); and (iv) Daniel, Brantley & Associates (“DB”, and together with Kroll, Berger Singerman, Faegre Drinker, Pestalozzi, LeeSalmonLong, and M&M, collectively, the “Retained Personnel” as such term is defined in paragraph 22 of the Receivership Order; together, the Receiver and the Retained Personnel, collectively, the “Applicants”), on an interim basis, the sum of \$0.00 as compensation for services rendered and \$0.00 as reimbursement for actual and necessary expenses incurred by DB during the Application Period (“DB’s Third Interim Award” and together with the Pestalozzi’s Third Interim Award, the LeeSalmonLong’s Third Interim Award and the M&M’s Third Interim Award, collectively, the “New Third Interim Awards”);

(c) awarding Berkowitz Pollack Brant Advisors + CPAs (“BPB”), on an interim basis, the sum of \$20,155.00 as compensation for services rendered and \$0.00 as reimbursement for actual and necessary expenses incurred by BPB during the Application

Period (“BPB First Interim Award” and together with the Fourth Interim Awards and the New Third Interim Awards, collectively, the “Interim Awards”);

(d) authorizing and directing the Receiver immediately to pay the Interim Awards to the Applicants from the Receivership Estate (as such term is defined in the Declaration) upon entry of an order awarding the Interim Awards; and

(e) granting such further relief the Court deems just and proper.

Dated: June 26, 2023

Respectfully Submitted:

By: /s/ Paul Steven Singerman

Paul Steven Singerman, Esq.
singerman@bergersingerman.com
Christopher Andrew Jarvinen, Esq.
cjarvinen@bergersingerman.com
BERGER SINGERMANN LLP
1450 Brickell Avenue, Ste. 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

Attorneys for James S. Feltman, Receiver